

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Diana L. Rogers,) C.A. #4:05-3100-PMD
)
Plaintiff,)
)
vs.) **ORDER**
)
)
Jo Anne B. Barnhart, Commissioner of)
Social Security,)
)
Defendant.))
)

This matter is before the court upon the magistrate judge's recommendation that the within action be dismissed. This matter was initially referred to the magistrate judge.¹

This Court is charged with conducting a *de novo* review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend for the district court to review the factual and legal conclusions of the magistrate judge. *Thomas v Arn*, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984). No objections have been filed to the magistrate judge's report.

¹Pursuant to the provisions of Title 28 United States Code, § 636(b)(1)(B), and Local Rule 73.02(B)(2)(a), D.S.C., the magistrate judge is authorized to review all pretrial matters and submit findings and recommendations to this Court.

A review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. Finding no error in the report, this court adopts the report and recommendation and incorporates it into this order.

For the reasons articulated by the magistrate judge, it is hereby **ordered** that the within action be **dismissed** pursuant to Fed. R. Civ. Proc. 41(b) for failure to prosecute and for failure to comply with the Rules and orders of this court.

AND IT IS SO ORDERED.



PATRICK MICHAEL DUFFY
United States District Judge

June 12, 2006
Charleston, South Carolina